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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 2ND DAY OF APRIL 1998

BEFORE

THE HON'BLE MR.JUSTICE H.N.NARAYAN

C.R.P.NO.1079 of 1998

1. Smt.J.Jayashree  
w/o. Late J.Balaram  
aged about 39 yrs.
2. Master Chiranjeevi  
s/o. Late J. Balaram  
aged about 15 years
3. Master Srikanth  
s/o. Late J.Balaram

No.2 and 3 being minors  
represented by their

Mother and Natural

guardian Smt.J.Jayashree

All are residing at No.353

Indiranagar (Motappanapalya/Appa-  
reddypalya) Bangalore.560 038.

.. Petitioners

(By Sri.K.R.Ashok Kumar - Adv.)

- vs -

The Divisional Controller  
E.T.S. Division (K.S.R.T.C.)  
K.H.Road, Shanthinagar  
Bangalore - 560 027

.. Respondent

- - - -

C.R.P. filed u/s.115 of CPC against the order  
23-3-1998 passed in MVC No.2259/93 on the XIII  
Addl. City Civil Judge and Member, MACT, Mayohall  
Bangalore dismissing I.A. filed under Section 151  
of CPC praying to modify the order.

This C.R.P. coming on for admission today  
the court made the following :

O R D E R

.. 2..

O R D E R

The first petitioner is the wife of the deceased. The Tribunal has awarded a few lakhs of rupees on account of the death of the husband of the first petitioner and father of petitioners 2 and 3. The Tribunal has directed the amount to be deposited in a Nationalised Bank in the name of the petitioners to and/release only Rs.4,000/- in the name of the first petitioner. An application was made by the first petitioner to release the entire share that was granted to her for the reasons stated in the affidavit. The Tribunal has rejected the application on the ground that no such affidavit was filed by the petitioners when the award was passed on 16-3-1998 by the Tribunal.

2. In the affidavit, the first petitioner has listed the items under which she requires certain amount. The learned counsel for the petitioner has produced before this Court the application for renewal of the licence of the provision store by the first petitioner and the major portion of the

amount is required for investing the same for business.

3. The object of the award of compensation is ultimately to help the LR's of the deceased. No purpose will be served by keeping in any Bank or investing or also by keeping in any other securities unless it is made useful to the needy in time. No doubt the Courts are directed to take special precaution while passing the order and dispersal of the amount in M.A.CT. cases. It is only a caution which the courts are required to exercise. having regard to the nature of requirement of the parties, It is not a rule of law in all cases to deposit the award amount in a nationalised bank. Ultimately, the Court has to consider the needs of the parties by considering the affidavits filed by them and the circumstances under which they done so. Otherwise, the party will be at the mercy of the Courts for a penny every time. The judgment of the Supreme Court in this regard is only to pass order in this sense. Therefore, the trial Court is not

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correct in rejecting the request of the first petitioner. In my opinion, the first petitioner is entitled to receive the amount pleaded by her. However, the amount of petitioners 2 and 3 who are minors cannot be released.

4. It is true that the Court will have to direct deposit of the amount in any Nationalised Bank. It is not the amount of the Government that the Court is directing to deposit in a Nationalised Bank. This amount is legally meant for the persons who are likely to suffer on account of the accident. It is stated that by depositing the amount in Vyshya Bank Ltd., the petitioner will get half a percent more interest than what the present Bank is offering and it is very beneficial to the petitioner. Owing to these reasons, it is not up to the Court to refuse transfer of the amount to the Bank requested by the petitioner. Courts are not helping the Government or any Nationalised Bank or anybody else except the parties themselves, and, therefore, the trial Court is now directed

to deposit the said amount in Vyshya Bank,  
Ulsoor Branch, Bangalore.

Revision is disposed of with the  
above observation.

Sd/-  
JUDGE

rs/-